

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

PETER A. CHIEJINA, and
PICCOL NIGERIA LTD.,

Petitioners-Appellees,

v.

FEDERAL REPUBLIC OF NIGERIA,

Respondent-Appellant.

Case No. 22-7146

**ORAL ARGUMENT
SCHEDULED FOR
NOVEMBER 13, 2023**

**JOINT NOTICE OF SETTLEMENT AND
APPELLANT’S MOTION TO DISMISS APPEAL**

Respondent-Appellant the Federal Republic of Nigeria (“Nigeria”) and Petitioners-Appellees Peter A. Chiejina and PICCOL Nigeria Ltd. (collectively, “Petitioners”), by and through undersigned counsel, hereby notify the Court that the approval process for the settlement agreement reached in principle between the parties has finalized. Accordingly, and pursuant to Federal Rules of Appellate Procedure Rule 42(b)(2), Nigeria hereby respectfully moves to dismiss this appeal.

The reasons for this request are as follows:

1. On January 11, 2023, the parties jointly submitted a notice to this Court of the ongoing settlement negotiations and requesting an extension of the briefing schedule. The very same day, the Clerk of Court issued an Order granting this

extension. In accordance with the new schedule, Appellant submitted its opening brief on February 10, 2023, and Appellees filed their response brief on March 31, 2023.

2. On April 12, 2023, the parties reached a settlement agreement in principle. While the terms of the settlement had largely been determined, for it to become final, the agreement required approval by the Nigerian government. This is a process achieved through a process of coordination across multiple offices and agencies. Accordingly, on April 17, 2023, the parties filed a joint motion to extend the remaining briefing schedule by 30 days to allow this process to take its course. The Clerk of Court granted the motion on April 18, 2023.

3. On May 23, 2023, the parties once more moved for a 14-day extension of briefing deadlines to await the finalization of the settlement process, which the Clerk of Court approved the next day. Unfortunately, given the timing of this settlement in relation to the domestic political circumstances in Nigeria, the settlement process was unable to be finalized by the deadlines, and the parties thus moved forward with briefing their arguments. On September 18, 2023, the Court entered an order setting oral argument for November 13, 2023, at 9:30 A.M.

4. Earlier, in February and March 2023, Nigeria held federal and presidential elections. The newly elected Government was inaugurated on May 29, 2023. While

Nigeria worked diligently to drive forward the settlement approval process throughout this timeframe, the ongoing government-wide transition period caused some understandable bureaucratic slowdowns within the relevant agencies. Nevertheless, committed to honoring the agreed-upon terms and ending this dispute amicably, Nigeria has now successfully completed the aforementioned process and obtained the necessary government approvals for the settlement agreement. After a brief review of the previously negotiated terms, the parties have now come to a full agreement on settlement, including dismissing the action pending in the District Court against Nigeria after the settlement payment is received, awaiting signatures on the settlement agreement.

Accordingly, as Respondent-Appellant, Nigeria hereby respectfully moves to voluntarily dismiss its appeal pending before this Court.

Dated: November 10, 2023

Respectfully submitted,

/s/ Theodore J. Folkman

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CERTIFICATE OF COMPLIANCE

1. This notice and motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) and D.C. Cir. R. 32(e)(1) because this motion contains 456 words, excluding the parts of the notice and motion exempted by Fed. R. App. P. 32(f).
2. This notice and motion complies with the typeface and type-style requirements of Fed. R. App. P. 27(d)(1)(E) because this motion has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in 14-point Times New Roman font.

Dated: November 10, 2023

/s/ Tara M. Lee

Tara M. Lee (DC Bar No. 17902)